

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after Final Rejection. Since this application is eligible for continued Examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 11/21/2008 has been entered.

2. Applicant's amendment, filed 11/21/2008, has been entered.

Claims 1-4 and 6-13 have been canceled.

Claims 5 and 14 are pending and currently being allowed in conjunction with the following Examiner's Amendment.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 11/21/2008 has been considered by the examiner.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Louise Bernier on 02/11/2009.

5. The claims have been amended as follows:

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-- Claim 14 (Currently amended) A method for the treatment of gout in a human individual suffering therefrom, comprising administering ~~intravenously or subcutaneously~~ to said human a therapeutically effective amount of an antibody directed against S100A8 protein in combination with an antibody directed against S100A9 protein, wherein said therapeutically effective amount is sufficient to inhibit the migration of neutrophils involved in the pathogenesis of gout. --

### **Reasons for Allowance**

6. The following is an examiner's statement of reasons for allowance:

Applicant's amendment and argument, filed 11/21/2008, have obviated the previous rejection under 35 USC 102(e) and 103(a). The method of treating gout in human comprising administering antibodies against S100A8 and S100A9 proteins appear to be free of prior art.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON WEN whose telephone number is (571)270-3064. The examiner can normally be reached on Monday-Thursday, 8:30AM-6:00PM, ALT. Friday, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on (571)272-0878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon Wen/

Examiner, Art Unit 1644

February 12, 2009

/Phillip Gambel/

Primary Examiner

Technology Center 1600

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February 17, 2009